

Application No. 10/797,507  
Amendment dated April 17, 2008  
Reply to Office Action of October 17, 2007

Docket No.: 30521/3070A

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawing includes changes to FIG. 1.

Further, the annotated sheet of drawing showing changes marked in circles.

Attachments: Replacement sheet and Annotated sheets showing change

**REMARKS**

In the Office Action mailed October 17, 2007, claims 1-24 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the amendments and below-provided remarks. No claims are canceled.

**AMENDMENTS TO THE SPECIFICATION**

Paragraph [0017] of the specification has been amended to change the legend “the current source 238” to “a current source 238” where it is first introduced. Support for the correction is found in FIG. 4. No new matter has been introduced.

Multiple amendments have been made in Paragraph [0021] of the specification to include “the” before “modifiable buffer circuit 100” (See ll.2); an Arabic number “100” has been added in connection to the “modifiable buffer circuit” (See ll. 10 and 13); another Arabic number “312” has been added in connection to the “transducer” (See ll. 5); and finally, the legend “modifiable” has been added before “buffer circuit (See ll. 13). These amendments are supported, for example, by FIGs. 5 and 6. No new matter has been introduced.

**AMENDMENT TO THE DRAWING**

FIG. 1 has been amended to substitute “114” for “104” in connection to the plurality of inputs. Support for the correction is found in paragraph [0014] of the specification. Accordingly, this amendment does not introduce new matter.

**CLAIM OBJECTIONS**

The action objected claims 4, 5 and 13 because the limitation “the circuit” lacks antecedent basis. Applicant appreciates the Examiner’s observation and submits that claims 4, 5, and 13 are amended to address the issue of antecedent basis. In particular, claims 4, 5, and 13 are amended to refer to “the tuning circuit”. Accordingly, Applicant respectfully requests that the objection be withdrawn.

**DOUBLE PATENTING**

Claims 15-24 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9, 11, 12 and 14-16 of copending Application No. 10/797,804. The applicant herewith provides a duly executed terminal disclaimer overcoming this rejection.

**CLAIM REJECTIONS – 35 U.S.C. §102(b) and §103(a)**

Claims 1, 2, 9, 10, 12, 13, 15, 16, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Levitt et al. (US Pat No. 4,879,749). Additionally, claims 3, 14, 17 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Levitt et al. (US Pat No. 4,879,749). Additionally, claims 4-8, 18 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Levitt et al. in view of Killion (US Pat No. 5,602,925). Additionally, claims 11 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Levitt et al. in view of Advani et al. (US Pat No. 4,926,459). Additionally, claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Levitt et al. in view of Madaffari et al. (US Published Application No. 2002/0090102). However, the applicant respectfully submits that these claims are patentable over these references for the reasons provided below.

**Independent Claim 1**

Claim 1 is amended to clarify the language of the claim and to recite a buffer circuit contained in a microphone housing. In accordance with claim 1, the buffer circuit includes, among other things, an input for receiving a signal, an input buffer coupled to the input, an output, a filter network coupled between the input buffer and the output; and a selector. The selector has a first input, a first output responsive to the first input; and tuning circuit coupled to the filter network for adjusting a characteristic of the filter network, the tuning circuit responsive to the selector and the characteristic of the filter network is adjusted using the first input.

Levitt et al. fail to teach or suggest a buffer circuit for a microphone assembly. Levitt et al. describes an embodiment of a host controller 20 to adjust the fitting of a hearing aid. The Examiner alleges correspondence between the element “selector” of claim 1 and the host controller described in Levitt et al. Actually, Levitt et al. describes that the host controller 20 is part of a computer 24 that is located outside the hearing aid for adjusting a

circuit (an AGC 58, a programmable filter 64, an EEPROM 84, switches 85 and 86) contained in the hearing aid (See Col. 6, ll. 62-68 and Col. 7, ll. 1-5). In particular, Levitt et al. do not describe a buffer circuit contained in a microphone housing. Further, Levitt et al. do not describe adjusting a characteristic of the filter network using a first input nor a tuning circuit responsive to the selector. Therefore, Levitt et al. do not disclose all of the limitations of the claim. Accordingly, Applicant respectfully asserts claim 1 is allowable over Levitt et al. Claims 2-14 depend directly or indirectly from claim 1 are also allowable at least for the same reasons.

Independent Claim 15

Claim 15 recites, among other things, a buffer circuit disposed on a first portion of a substrate severable from a second portion of the substrate.

Levitt et al. fail to teach or suggest the subject matter, as recited in claim 15. In particularly, Levitt et al. do not describe whether the substrate is separable into at least first and second portions such that the buffer circuit disposed on the first portion is separable from the second portion of the substrate. Applicant respectfully asserts independent claim 15 is allowable over Levitt et al. Claims 16-19 depend directly from claim 15 are also allowable at least for the same reasons.

Independent Claim 20

Applicant respectfully assert independent claim 20 is allowable over Levitt et al. for similar reasons to those stated above in regards to the rejection of independent claim 1. In particular, claim 20, as amended, recites, among other things, a buffer circuit contained in a microphone housing.

Here, although the language of claim 20 differs from the language of claim 1, and the scope of claim 20 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regards to the rejection of claim 1 also apply to the rejection of claim 20. Namely, Levitt et al. fail to teach or suggest a buffer circuit contained within a microphone housing.

Accordingly, Applicant respectfully asserts claim 20 is allowable over Levitt et al. because Levitt et al. do not disclose a microphone housing and a buffer circuit is contained in the microphone housing. Applicant respectfully asserts claims 21-24 are allowable based on the allowability of the base claim.

Dependent Claims

Claims 2-14, 16-19, and 21-24 depend from and incorporated all of the limitations of the corresponding independent claims 1, 15, and 20. Applicants respectfully assert claims 2-14, 16-19, and 21-24 are allowable based on allowable base claims.

Furthermore, Killion and Advani et al. fail to teach or suggest a buffer circuit for a microphone assembly. Killion merely describes an integrated circuit contained in a hearing aid for setting the audio response of the hearing aid and not the microphone. Advani et al. describes telephone equipment for an impaired person that has nothing to do with a buffer circuit for a microphone assembly. Madaffari et al. fail to teach a portion of the buffer circuit accessible from outside the microphone housing, as recited in claim 24. The circuit 18 of Madaffari et al. may be assembled in an acoustically sealed housing but Madaffari et al. do not describe any portion of the buffer circuit is accessible from outside the microphone housing. Accordingly, Applicant respectfully submits that the rejection of claims 2-14, 16-19, and 21-24 under 35 U.S.C. 103(a) should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: April 17, 2008

Respectfully submitted,

By /Anthony G Sitko, 36278/  
Anthony G. Sitko  
Registration No.: 36,278  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant